

REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the instant response. The claims remaining in the present application are Claims 60, 61, 69-106, 110 and 111. Claims 91-106 are allowed. Claims 60, 61, 69-90 and 107-111 are rejected. Claims 107-109 are canceled. Claims 60, 69-72, 74-90, 103, 110 and 111 are amended. No new matter has been added.

ALLOWABLE SUBJECT MATTER

The instant Office Action indicates that Claims 91-106 are allowed. Applicants wish to thank the Examiner for indicating that Claims 91-106 are allowed.

The Final Office Action filed September 6, 2006 indicated that original Claims 5-7, 23-28, 36-38, 54-59, 64 and 68 contain allowable subject matter. Applicants wish to thank the Examiner for indicating that Claims 5-7, 23-28, 36-38, 54-59, 64 and 68 contain allowable subject matter.

CLAIM REJECTIONS – 35 U.S.C. §101

Claims 69, 110 and 111

Claims 69, 110 and 111 have been amended to recite a “tangible computer readable storage medium.”

Applicants also note the “Subject Matter Eligibility of Computer Readable Media” memo (January 26, 2010) from Director Kappos also directly suggests such an amendment to preclude a possible interpretation that a computer readable storage medium claim encompasses non-statutory subject matter. Per the above cited memo of January 26, 2010, the primary concern appears to be claim language which may reasonably be interpreted to encompass transitory subject matter which is thus abstract and non-statutory. Per MPEP 2106(IV)(C)(2), “...the opposite meaning of ‘tangible’ is ‘abstract.’” Herein, Applicants have amended Claims 69, 110 and 111 to recite a “tangible computer readable storage medium.” Applicants have made such amendment to positively claim what the invention is, rather than attempting to negatively claim what the invention is not. Applicants submit that broadest reasonable interpretation of presently amended Claims 69, 110 and 111 (either consistent with the specification or in view of extrinsic sources) includes only statutory subject matter. Thus, in light of the above described amendments, Applicants submit that Claims 69, 110 and 111 overcome the 35 U.S.C. §101 rejection, and are in condition for allowance. As such Applicants respectfully solicit withdrawal of the 35 U.S.C. §101 rejection of Claims 69, 110 and 111.

CLAIM REJECTIONS – 35 U.S.C. §112

Claims 86 and 103

Claims 86 and 103 have been amended such that they do not recite “can be.” Accordingly, the instant rejection is overcome.

Claims 107-109

Claims 107-109 have been canceled. Therefore, a discussion regarding the instant rejection is moot.

Claims 70, 71, and 74-90

Claims 70, 71, and 74-90 are rejected because they can “be taken to be software” (page 5.) Applicants have amended Claims 70, 71, and 74-90 to recite a “computer system.” Applicants understand a computer system to not be software. Moreover, a computer system is statutory subject matter. Therefore, Claims 70, 71, and 74-90 overcome the instant rejection.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 60, 61 and 69

Claims 60, 61 and 69 are rejected under 35 U.S.C. § 103 as being unpatentable over Kawai (US 5,717,924) in view of Weinberg et al. (US 2002/0087510). Applicants have amended Independent Claims 60 and 69 to incorporate the allowable subject matter of original Claim 54 and allowed Claim 102. Therefore, a discussion regarding

the instant rejection is moot. Accordingly, Claims 60, 61 and 69 are in a condition for allowance.

Claims 70-73

Claims 70-73 are rejected under 35 U.S.C. § 103 as being unpatentable over Battas et al. (US 6,757,689) in view of Rassmussen et al. (US 6,317,803). Applicants have amended Independent Claims 70 and 72 to incorporate the allowable subject matter of original Claim 54 and allowed Claim 102. Therefore, a discussion regarding the instant rejection is moot. Accordingly, Claims 70-73 are in a condition for allowance.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 60, 61, 69-106, 110 and 111 are in condition for allowance.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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